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DISTRICT COURT
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2019 SEP 5 PM 3 51

BY _____
DEPUTY

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Attorneys for Plaintiff

**MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY**

ERIN HARMS,

Plaintiff,

v.

VITALANT,

Defendant.

CAUSE NO.:

DV 19-1213

JUDGE:

GREGORY R. TODD

**COMPLAINT FOR
WRONGFUL DISCHARGE FROM
EMPLOYMENT
AND
JURY DEMAND**

Plaintiff alleges:

1. Plaintiff is a resident of Billings, Yellowstone County, Montana.
2. Defendant Vitalant is a corporation doing business in Montana and until April 8, 2019, employed Plaintiff in Billings, Yellowstone County, Montana.
3. On or about April 8, 2019, Defendant discharged Plaintiff from her employment with Defendant.
4. Defendant's discharge of Plaintiff from her employment was wrongful under §39-2-904(b) of Montana's Wrongful Discharge From Employment Act in that the discharge was not for good cause and Plaintiff had completed any probationary period of employment. On information and belief, the reason claimed by Defendant for Plaintiff's discharge was not

1 the true reason but rather was a pretext designed to deprive Plaintiff of any severance pay or
2 benefits and to allow Defendant to eliminate the job position Plaintiff held without paying her
3 any severance or otherwise incurring any severance pay or benefit obligation to her.

4 5. On information and belief, Defendant's discharge of Plaintiff from her
5 employment was wrongful under §39-2-904(c) of Montana's Wrongful Discharge From
6 Employment Act in that Defendant violated the express provisions of its own written personnel
7 policy.

8 6. As a result of the wrongful discharge of Plaintiff by Defendant, Plaintiff is
9 entitled to lost wages and fringe benefits, together with interest thereon, for a period not to
10 exceed four years from the date of discharge less any interim earnings, all as provided for by
11 §39-2-905, MCA.

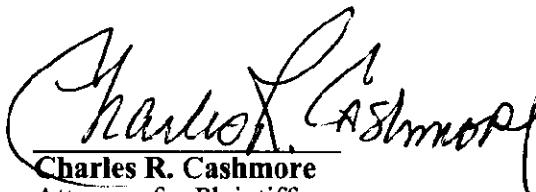
12 WHEREFORE, Plaintiff demands judgment in her favor and against Defendant as
13 follows:

14 1. For lost wages, fringe benefits, and interest thereon in such amounts as may be
15 shown at trial;

16 2. For costs and such other and further relief as the Court deems proper.

17 PLAINTIFF DEMANDS TRIAL BY JURY.

18 Dated this th6 day of August, 2019.

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21 Charles R. Cashmore
22 Attorney for Plaintiff
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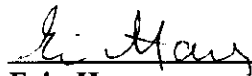
VERIFICATION

STATE OF MONTANA)

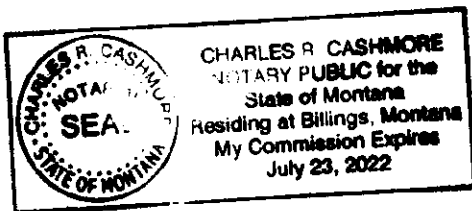
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County of Yellowstone)

Erin Harms, after first being duly sworn upon her oath, deposes and says:

That she is the Plaintiff in this action, has read the above Complaint being filed in the action, and hereby verifies that the facts and matters contained in the Complaint are true, accurate and complete to the best of her knowledge, information and belief.


Erin Harms

Subscribed and sworn to before me this 6th day of August, 2019, by **Erin Harms**.




Print Name: **CHARLES R. CASHMORE**